

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:03-CR-00191-F-1
No. 5:16-CV-00271-F

RANDY OLIVER,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
)
Respondent.)

O R D E R

This matter is before the court on Randy Oliver's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-49]. Having examined Oliver's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Oliver asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), but it is not clear that Oliver qualifies for appointed counsel.¹ However, Sherri R. Alspaugh with the Office of the Federal Public Defender has entered an appearance pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

¹ When Oliver was previously before this court, he had retained counsel.

This 1⁹th day of May, 2016.

James C. Fox
JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE